



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable P. W. Winter  
County Attorney  
Hebbronville, Texas

Dear Sir:

Opinion No. O-3359  
Re: Definition of a butcher  
under the purview of Article  
6904 and 6908, Revised  
Civil Statutes of Texas.

This department is in receipt of your letter  
of March 27, 1941, requesting an opinion upon the follow-  
ing questions:

"A. B. owns and operates a retail grocery  
store, and in connection therewith a retail  
'meat market'. He does not comply with Arts.  
6904 or 6908, R. C. S., nor with Arts. 1447 to  
1454, P. C.; because he does not butcher or  
slaughter animals himself, but purchases the  
butchered carcass from C. D., who does comply  
with the above cited Arts; and A. B. then cuts  
up the carcass and retails it at his market.

"Under the above Statement of Facts No. 1,  
is A. B. a 'butcher' or a 'slaughterer', within  
the meaning of the above cited Articles, so as  
to make it necessary for him to comply there-  
with?"

Your second question is as follows:

"A. B. owns and operates a retail grocery  
store, and in connection therewith a retail  
'meat market'. He does not comply with Articles  
6904 or 6908, R. C. S., nor with Articles 1447  
to 1454, P. C., because he does not butcher or  
slaughter animals himself, except as hereinafter  
stated. E. F. owes A. B. an account of \$30.00,

Hon. P. W. Minter, Page 2

and has an animal which he is willing to deliver to A. B. in settlement of the account, and which A. B. is willing to accept in settlement of such account. In order to avoid having to comply with the above cited Articles and to simplify the operation of his business, A. B. then has C. D., from whom he usually purchases butchered carcasses for retail purposes in his market at an agreed price per pound, and who has complied with the above cited Articles, to go and purchase the animal from E. F. at the agreed price of \$30.00 between A. B. & E. F.; after which C. D. then slaughters the animal and delivers the carcass to A. B. at the agreed price between them for butchered carcasses, less the \$30.00 due by E. F. to A. B., for which A. B. gives E. F. credit in cancellation of his account.

"Under the above Statement of Facts No. II, is A. B. a 'butcher' or 'slaughterer' within the meaning of the above cited Articles so as to make it necessary for him to comply therewith?"

Article 6904, Revised Civil Statutes of Texas, reads as follows:

"Each person in this State engaged in the slaughter and sale of animals for market shall make a regular sworn report to each regular meeting of the commissioners court of the county, giving the number, color, age, marks and brands of every animal slaughtered by him since the last term of said court, to be filed with and kept on file by the county clerk. Each said report shall be accompanied by the bill of sale or written conveyance to the butcher for every animal that he has purchased for slaughter. If any of the animals slaughtered have been raised by himself it shall be so stated in the report. Said report so made to said court may in the discretion of said clerk be destroyed after a period of five years."

Article 6908, Revised Civil Statutes of Texas, reads as follows:

"Every person, before he shall set up and carry on the trade or occupation of a butcher or

Hon. P. W. Minter, Page 3

slaughterer of cattle in this State, shall file a bond to be approved by the county judge of the county in which he desires to carry on the business, in a sum not less than two hundred nor more than one thousand dollars, payable to the State of Texas, conditioned that he shall keep a true and faithful record in a book kept for that purpose of all cattle purchased or slaughtered by him, with a description of the animal including marks, brands, age, color, weight, and from whom purchased and the date thereof; that he will have the hide and ear of such animal inspected by the inspector, or some magistrate of the county, within twenty days after it is slaughtered, and that he will not purchase any cattle that has been slaughtered by another unless the hide and ears of such slaughtered animal accompany said animal offered for sale, and that he will not purchase any animal that has been slaughtered by another when the ear marks, or brands on the hide accompanying such animal, when offered for sale, have been changed, mutilated or destroyed. Any butcher or slaughterer of cattle who shall violate any condition of said bond may be sued upon his bond at the instance of the county or district attorney of the county where such bond is given. All sums recovered by suits upon said bonds shall be paid into the county treasury and become a part of the available school fund of such county."

The construction of these same statutes was considered by this department in conference opinion No. 2017, by Attorney General C. M. Cureton, dated April 2, 1919, addressed to Honorable G. C. Jackson and appearing at page 856 of the published biennial report of the Attorney General of Texas for the years 1918 - 1920. We are attaching hereto a copy of this opinion which we believe correctly states the law upon the question. The opinion, of course, refers to Article 7179 Civil Statutes of the 1911 codification which now appears as Article 8908 of the Revised Civil Statutes of 1925.

Hon. P. W. Minter, Page 4

Applying the rule announced in the Cureton opinion to the fact situation which you have presented, it is our opinion that it is not necessary for A. B. to comply with the provisions of Articles 6904 and 6908, Revised Civil Statutes, 1925, or Articles 1447 to 1454, inclusive, Penal Code, 1925.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED APR 25, 1941  
*W. R. Koch*

FIRST ASSISTANT  
ATTORNEY GENERAL

By *Walter R. Koch*  
Walter R. Koch  
Assistant

WRK:lh

